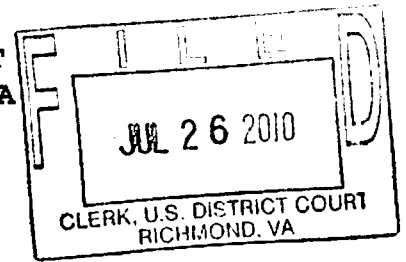


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



ePLUS, INC.,

Plaintiff,

v.

Civil No. 3:09cv620

LAWSON SOFTWARE, INC.

Defendant.

ORDER

Having considered the PLAINTIFF'S MOTION IN LIMINE NO. 3 TO EXCLUDE UNDISCLOSED AND UNTIMELY OPINIONS OF COUNSEL, INCLUDING ANY OPINION OF MICHAEL I. SHAMOS, Ph.D., J.D. REGARDING DEFENDANT'S WILLFULNESS OR INTENT (Docket No. 252), it is hereby ORDERED that the motion is granted because (1) the method and timing of disclosure is inconsistent with the Defendant's discovery obligations and is unfairly prejudicial; (2) the opinions of counsel obtained after suit was filed are of marginal relevance; (3) the opinion of Dr. Shamos, the Defendant's technical expert, is not a relevant or otherwise proper subject on which a technical expert may testify; and (4) neither opinion will assist the jury in understanding the evidence or determining a fact in issue.

The issues are adequately briefed and oral argument would not materially aid the decisional process.

It is so ORDERED.

 /s/ REP
Senior United States District Judge

Richmond, Virginia
Date: July 23, 2010